

REMARKS

Status of Claims:

Claims 1-33 remain cancelled. Claims 34, 41, 48, and 54 are currently amended. Claims 38, 45, and 52 are cancelled without prejudice or disclaimer.

Thus, claims 34-37, 39-44, 46-51, and 53-54 are pending in the application. A detailed listing of all claims that are in the application, is presented, with appropriately defined status identifiers.

PTO/SB/08 Form:

Applicant submitted a PTO/SB/08 form in the present case on April 20, 2009. Applicant respectfully requests that each listed document on that PTO/SB/08 form be considered by the Examiner and be made of record in the present application, and that an initialed copy of the form be returned in accordance with MPEP §609.

Claim Rejections Under 35 U.S.C. 101:

Claim 48 is rejected under 35 U.S.C. 101 as drawn to a non-statutory subject matter.

With respect to claim 48, as amended, the rejection is respectfully traversed.

The Examiner suggested that applicant insert a device in one or more of the essential steps of the body of the claim in order to overcome the rejection. Independent claim 48 has now been amended in accordance with the Examiner's suggestion to insert a "portable communication terminal" into steps in the body of the claim. Thus, the method of claim 48 is tied to a particular machine, which is a portable communication terminal.

Therefore, independent claim 48, as amended, is believed to be in compliance with the requirements of 35 U.S.C. 101.

Claim Rejections Under 35 U.S.C. 102 and 103:

Claims 34-35, 39-42, 46-49, and 53-54 are rejected under 35 U.S.C. 102(b) as being anticipated by Nakamura (U.S. Patent No. 5,987,424) (hereinafter Nakamura).

Claims 36-38, 43-45, and 50-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakamura in view of Kenney (U.S. Patent No. 5,515,424) (hereinafter Kenney).

Claims 38, 45, and 52 have been cancelled without prejudice or disclaimer. With respect to claims 34-37, 39-44, 46-51, and 53-54, as amended, the rejections are respectfully traversed.

Independent claim 34, as amended, recites a **portable** communication terminal, comprising:

“a registration request issuing means for issuing a registration request for advertisement information broadcast from an advertisement information broadcast server;

a receiving means for receiving advertisement information which is broadcast from said advertisement information broadcast server based on said registration request; and

a display means for displaying said advertisement information received by said receiving means;

wherein said display means **automatically displays** said advertisement information on a standby screen **when the portable communication terminal is in a standby state.**” (Emphasis Added).

Neither Nakamura nor Kenney, alone or in combination, discloses or suggests a **portable** communication terminal as claimed in the present independent claim 34 including display means that **automatically displays** advertisement information **on a standby screen when the portable communication terminal is in a standby state.**

The Nakamura reference teaches that when a user of a terminal (subscriber/public telephone set 1, 2, 3) wants to receive advertisement information, the user dials a predetermined particular number determined in order to acquire the advertisement information. Further, the Nakamura reference also teaches that, upon arrival of a call from an advertisement apparatus at a predetermined time, advertisement information is received by performing a predetermined response operation. That is to say, in the Nakamura reference, in order to receive and display advertisement information at a terminal, it is required for the user to perform, at the terminal, a predetermined sequence of operations including off-hooking, dialing, calling-in, and other operations.

Furthermore, the Nakamura reference teaches to receive and display advertisement information at a terminal through a user's calling operation to an advertisement apparatus or a user's calling-in operation in response to a call from the advertisement apparatus. That is to say, when the terminal is receiving and displaying an advertisement it is in a communicating state but not in a standby state, in that it is conducting a calling operation or a calling-in operation. Thus, the Nakamura reference neither teaches nor suggests to display an advertisement on a standby screen of a portable communication terminal. In contrast, embodiments of the present invention feature displaying advertisement information on a standby screen of a portable communication terminal. Displaying advertisement information on a standby screen as is done in embodiments of the present invention will allow the advertisement information to readily catch a user's notice and thus further improve the effectiveness of advertising. Furthermore, according to embodiments of the present invention, it is allowed that an opportunity is provided to effectually check the advertisement on a standby screen that is exposed to user's incessant sight even without a dialing, calling, or calling-in operation.

The Kenney reference teaches a system in which a video image is distributed to and displayed on a display monitor of a local telephone station 16 at a desired time, while dispensing with any operations by the user. More specifically, advertisements for toll-free telephone or like services are displayed on monitor screens of public telephone terminals provided in airports, hotels or other facilities. In the case of airports, screens advertising

telephone numbers of airline reservation services are displayed, and screens advertising numbers of room reservation services in the case of hotels. In this connection, the Kenney reference teaches that the displayed advertisements on the monitor should be changed depending on the time and place. Meanwhile, embodiments of the present invention are **not** directed to a **public telephone terminal** as is directed to by the Kenney reference, but to a **portable** communications terminal. The Kenney reference neither teaches nor suggests anything about a **portable** communication terminal as addressed by the present invention.

Besides, what is disclosed by the Kenney reference is a technique for unilaterally distributing advertisement information to a plurality of public telephones, targeting at a general public or an unspecified large number of people. This is distinctly different from a technique that broadcasts advertisement information individually to requesting terminals based on a requested content from each terminal, targeting at a large number of portable communication terminals had by individuals as proposed by embodiments of the present invention.

Further, the Kenney reference does **not** teach an essential element of embodiments of the present invention of “registration request issuing means for issuing a registration request for advertisement information broadcast from an advertisement information broadcast server”. As a matter of course, the Kenney reference does **not** teach anything about the feature of embodiments of the present invention of displaying advertisement information on a standby screen of a portable communication terminal in a standby state.

Therefore, independent claim 34, as amended, is neither disclosed nor suggested by the Nakamura and Kenney references, alone or in combination, and, hence, is believed to be allowable. The Patent Office has **not** made out a *prima facie* case of obviousness under 35 U.S.C. 103.

Independent claim 41, as amended, recites an advertisement system comprising an advertisement information broadcast server and a portable communication terminal with features similar to features of a portable communication terminal of independent claim 34

and, thus, is believed to be allowable for at least the same reasons that independent claim 34 is believed to be allowable.

Independent claim 48, as amended, recites a method including, among other features, “wherein said advertisement information is automatically displayed on a standby screen when the portable communication terminal is in a standby state.” Therefore, independent claim 48 is believed to be allowable for similar reasons as the reasons discussed above with respect to independent claim 34.

The dependent claims are deemed allowable for at least the same reasons indicated above with respect to the independent claims from which they depend.

Conclusion:

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by the credit card payment instructions in EFS-Web being incorrect or absent, resulting in a rejected or incorrect credit card transaction, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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